

Audubon County / Teamsters #147 (Sheriff)

2001-06
CEO 59
Sector 1

Before

Rex H. Wiant

Arbitrator

2002 JUL 15 AM 10:39

PUBLIC EMPLOYMENT
RELATIONS BOARD

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Audubon County Board of Supervisors)

Sheriff's Department)

and)

Teamsters Local #147)

Interest Arbitration

For the Employer:

Renee Von Bokern, Chief Spokesman and Consultant

Lavern V. Derst, Board of Supervisors

Sally Alt, Board of Supervisors

Vernon Ventrider, Board of Supervisors

Jacob Matthews, Sheriff's Office

Todd W. Johnson, Sheriff

For the Union:

Mike Stanfill, Chief Spokesman and Business Representative

Betty Nellor, Union Committeeman

Donna Rugaard, Union Committeeman

David Bear, Union Committeeman

Jurisdiction:

The parties selected Rex H. Wiant from a Fact Finding list provided by the Iowa Public Employment Relations Board (PERB). At the hearing the parties notified the undersigned that they would skip fact finding and move directly to an impasse arbitration. A hearing was held at the Audubon County Courthouse in Audubon, Iowa on June 28, 2002. Both sides presented argument and testimony. All evidence was subject to cross examination. The hearing was open to the public and was electronically recorded. The

Arbitrator will keep the tape and exhibits as required by the Iowa Open Records Law.
The record was declared closed on the same day.

Findings of Fact:

Audubon County (hereinafter the "Employer") is primarily an agricultural county in west central Iowa. It has a population of less than 7000. Audubon is the county seat with a population of approximately 2600 people. While typical counties in Iowa are made up of 16 townships, Audubon County has 12. Because of the areas dependence on agriculture it has not seen significant growth in years.

Teamsters Local #147 (hereinafter the "Union") has represented the Sheriff's Deputies, Dispatchers and Courthouse Custodian since 1979. Wages for Deputies are determined as a percentage of the Sheriff's salary. The parties negotiate all other items.

The parties began negotiations in the fall of the year for a new contract. As with most negotiations they were slowed down by the general economy. Neither Employer nor Union had the knowledge it took to negotiate a sound agreement.

On March 5, 2002 the parties met for an extended bargaining session. During the session union members one by one had to leave for work or personal commitments. The Union's chief negotiator made the following proposal that was accepted by the Employer:

Article 3 Part-time Employment. Delete the following: Work less than 20 hours but more than 10 hours in a workweek shall receive benefits at 25% of total amount.

Article 9 Hours of Work and Overtime. Add the following If a dispatcher works a holiday, then holiday pay hours will be counted as hours worked for the purpose of computing overtime. Vacation hours will be counted as time worked for purposes of computing overtime,

Vacation hours will be counted as time worked for purposes of computing overtime.

Article 10 Extra Duty Pay. Add if a dispatcher is required by the County to appear in Court, or required by the County to give a deposition.

Article 13 Sick Leave. Add parents to list of family members employees may use sick leave. Add: An employee who retires from Audubon County with at least 15 years of service may convert 25% of his/her accumulated sick leave at the employee's regular rate of pay toward the purchase of health insurance.

Article 16 Funeral Leave. Increase from 1 day to 2 days for the following: grandparents, grandchildren, Mother or father-in-law, brother or sister-in-law.

Article 21 Insurance. Change from ISAC Plan 5 (Select 500 90/10 Plan) to ISAC Plan 6 (Select 750 80/20). Employer to pay full premium. Employees who wish to retain Plan 5 are responsible for 18% dependent premium.

Appendix A Wages. Dispatchers and Janitors increase 45 cents effective 7-1-02.

The Employer accepted the proposal and asked if they had a Tentative Agreement (TA). The Union spokesman responded that yes it looked like they did. At the time he had only one member of the bargaining team present. The entire bargaining team recommended against the package and the membership voted the TA down.

The parties then proceeded to select the undersigned from a Fact Finder list and chose to go directly to Impasse Arbitration. The parties stipulated to the issues before the Arbitrator.

Traditionally TA's receive great weight before Fact Finders and Impasse Arbitrators. This is because they represent mutual agreement of the selected bargaining teams. When negotiations begin the parties are far apart but through negotiations and discussion the parties drop, amend and compromise to a point where both sides agree on all items.

In this case there is a question as to whether a TA existed. The Union spokesman admits there was only one member of his team present at the time the offer was exchanged. While he believed package of proposals was a good idea, the entire team did not.

This is very similar to a case the Arbitrator had between Jasper County and AFSCME over their Sheriff's unit. There the County Attorney acting as the Chief negotiator for the

County claimed he had no authority to make a TA. In that case the undersigned upheld the TA and he does so in this one. Chief negotiators have to have authority to negotiate. Without that ability second guessing would cause the process to grind to a halt. In this case the Union Chief negotiator made an offer, it was not a supposal, and the Employer accepted it. At that point the deal was done. The fact that a majority of the bargaining team had left is not enough to overturn the TA.

The Iowa Code is very specific as to the factors Arbitrators are to consider in making their decision. Section 20.22.9 lists for criteria "in addition to any other relevant factors. The four criteria are:

- Past collective bargaining agreements
- Comparison to wages, hours and conditions of employment
- Ability to pay.
- Power to levy taxes.

The Arbitrator examined all evidence in light of the criteria. Ability to pay and Power to levy taxes was not mentioned by the parties and therefore received no weight from the Arbitrator. Both sides raised Past agreements and Comparability. Those two in addition to the TA question are the most significant in deciding issues before the Arbitrator.

Both sides present comparability groups. The Union's main focus is on population. Audubon County ranks 96 of 99 counties in population size. The County's was focused on geographical similarities with counties that abut Audubon and Ida because of population. Both groups indicate similar results. The counties most similar include: Ida, Greene, Shelby, Guthrie, Adair, Pocahontas, and Fremont.

Issue 1: Part-time Employment:

Employer Position: Delete the following: Work less than 20 hours but more than 10 hours in a workweek shall receive benefits at 25% of total amount. This is the TA.

Union Position: Delete the following: Work less than 20 hours but more than 10 hours in a workweek shall receive benefits at 25% of total amount.

Discussion: Both positions are identical. The Employer included it because it was part of the TA package. The Union agreed it should be deleted. No employees will be effected.

Arbitrator's Award: The Employer position.

Issue 2 Hours of Work and Overtime:

Employer Position: Add the following If a dispatcher work a holiday, then holiday pay hours will be counted as hours worked for the purpose of computing overtime. Vacation hours will be counted as time worked for purposes of computing overtime. This is the TA.

Union Position: Add the following If a dispatcher work a holiday, then holiday pay hours will be counted as hours worked for the purpose of computing overtime. Vacation hours will be counted as time worked for purposes of computing overtime.

Discussion: Both positions are identical. The Employer included because it was part of the TA package.

Arbitrator's Award: The Employer position.

Issue 3 Extra Duty Pay:

Employer Position: Add if a dispatcher is required by the County to appear in Court, or required by the County to give a deposition. This is the TA.

Union Position: Add the underlined following. Dispatchers and Deputies that are required to give depositions, and or appear in Court will receive a minimum of 2 hours pay at the applicable rate of pay.

Discussion: Each position says the same thing with slightly different words. It is assumed that Dispatchers would be treated as Deputies are treated in appearing to give a deposition or Court testimony. The Arbitrator selects the TA.

Arbitrator's Award: The Employer position.

Issue 4 Sick Leave:

Employer Position: Add parents to list of family members employees may use sick leave.

Add: An employee who retires from Audubon County with at least 15 years of service may convert 25% of his/her accumulated sick leave at the employee's regular rate of pay toward the purchase of health insurance. This is the TA.

Union Position: Add parents to list of family members employees may use sick leave.

Add: An employee who retires from Audubon County with at least 15 years of service may convert 25% of his/her accumulated sick leave at the employee's regular rate of pay toward the purchase of health insurance.

Discussion: Both positions are identical. The Employer included because it was part of the TA package.

Arbitrator's Award: The Employer position.

Issue 5 Funeral Leave:

Employer Position: Increase from 1 day to 2 days for the following: grandparents, grandchildren, Mother or father-in-law, brother or sister-in-law. This is the TA.

Union Position: Increase from 1 day to 2 days for the following: grandparents, grandchildren, Mother or father-in-law, brother or sister-in-law.

Discussion: Both positions are identical. The Employer included because it was part of the TA package.

Arbitrator's Award: The Employer position.

Issue 6 Insurance:

Employer Position: Change from ISAC Plan 5 (Select 500 90/10 Plan) to ISAC Plan 6 (Select 750 80/20). Employer to pay full premium. Employees who wish to retain Plan 5 are responsible for 18% dependent premium. This is the TA.

Union Position: Remain with Plan 5. No changes.

Discussion: This is the issue that is the cause of this hearing. The rank in file does not want to change insurance plans. The County sees ever increasing premiums and insists on change.

Normally Fact Finders and Arbitrators are hesitant to disturb a negotiated benefit. This case is different. First the parties had a TA to change. Second the County will not be saving any money. Switching from Plan 5 to Plan 6 will result in the County contribution going from \$776 a month to \$790 a month. Third the cost of no change is too high. To accept the Union position on insurance and wages will result in an increase of 6.2% for Deputies and 8.7% for Dispatchers. The Arbitrator is not aware of any unit in the state of Iowa this year with such large total increase. Fourth the out of pocket maximum does not change. Both plans have maximums of Single \$1500 and Family \$3000. This means that those who are healthy and do not use health insurance will not see an increase. Those who are not as fortunate and use health insurance will hit the maximum faster. The only employees who will see and out of pocket loss are those with a minor claim and do not hit the maximum.

The Union may wish to keep track of members out of pocket costs. If there are a large number of employees who do see an increase then they may wish to negotiate a payment by the employer. The Arbitrator does not believe that this will be a large number of people.

The Arbitrator sees this change as a stop gap change. Society needs to decide exactly what we want out of health insurance. They may chose a complete, or socialized, insurance or they might chose catastrophic, or limited, insurance. The one thing we all know is we cannot get complete coverage at bargain basement rates.

Arbitrator's Award: The Employer position.

Issue 7 Wages:

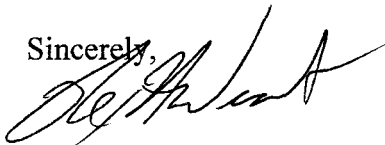
Employer Position: Dispatchers and Janitor 45 cents effective 7-1-02. This is the TA.

Union Position: 3% across the board for Dispatchers and Janitor. This would be 34 cent per hour increase.

Discussion: The parties had agreed to the 45 cents an hour for Dispatchers and Janitor. The wages of Deputies ate tied to the Sheriff's wages. This would be approximately a 4.5% wage increase or significantly above most comparable counties. The only county, which receives a higher percentage increase, is Greene County. Even with a 7.5% increase Greene County has the lowest wages in comparable areas.

Arbitrator's Award: The Employer position.

Sincerely,



Rex H. Wiant

Arbitrator

Date on July 11, 2002 in Kansas City, Missouri.